

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	:	Case No. 08-35653-KRH
	:	
	:	Jointly Administered
Debtors.	:	
-----X		

**RESPONSE OF THOROUGHbred VILLAGE TO THE LIQUIDATING TRUST'S  
FOURTH OMNIBUS OBJECTION TO LANDLORD CLAIMS**

Thoroughbred Village (the "Claimant"), by and through its counsel, Christian & Barton, LLP, hereby responds to the Liquidating Trust's Fourth Omnibus Objection to Landlord Claims (the "Fourth Omnibus Objection") as follows:

1. Claimant prepared and filed a proof of claim for administrative expenses that was numbered 13911 ("Claim 13911"), which claim seeks reimbursement of \$63,409.19 in administrative expenses incurred by Claimant. Claim 13911 was timely filed by Claimant on June 30, 2009.

2. Exhibit C to the Fourth Omnibus Objection explains that the Trustee seeks to reduce Claim 13911 by \$24,484.83. Claimant opposes this reduction of Claim 13911.

3. The post-petition rent that the Trustee seeks to disallow is allowed in that the Debtor remained on the premises through February 17, 2009. The post-petition rent sought is calculated through that date.

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Augustus C. Epps, Jr., Esquire (VSB No. 13254)  
Michael D. Mueller, Esquire (VSB No. 38216)  
Jennifer M. McLemore, Esquire (VSB No. 47164)  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219  
Telephone: (804) 697-4100  
Facsimile: (804) 697-4112

Counsel for the Claimant

4. The attorney's fees that Trustee seeks to disallow are also allowed pursuant to the provisions of the lease, including paragraphs 28.1 and 34.6.

5. The clean-up expenses that the Trustee seeks to disallow are allowed pursuant to the provisions of the lease, including paragraphs 25 and 28.1.

6. The post-petition utilities that the Trustee seeks to disallow are for water service provided to the premises and are allowed pursuant to paragraph 11 of the lease.

7. The interest that the Trustee seeks to disallow is allowed under paragraph 27.1 of the lease.

8. Claimant opposes and disputes the disallowance of any portion of Claim 13911 for the reasons stated herein.

WHEREFORE, Thoroughbred Village respectfully requests that the Court enter an order allowing Claim 13911 and granting Claimant such other and further relief as is just and appropriate.

Dated: April 6, 2011

CHRISTIAN & BARTON, LLP

/s/ Jennifer M. McLemore

Augustus C. Epps, Jr., Esquire (VSB No. 13254)

Michael D. Mueller, Esquire (VSB No. 38216)

Jennifer M. McLemore, Esquire (VSB No. 47164)

909 East Main Street, Suite 1200

Richmond, VA 23219

Tel: 804-697-4100

Fax: 804-697-4112

Counsel for Claimant

**CERTIFICATE OF SERVICE**

I, Jennifer M. McLemore, hereby certify that on the 6<sup>th</sup> day of April 2011, a true and correct copy of the foregoing Response has been served electronically using the ECF system on all registered users of the CM/ECF system who have filed notices of appearance in this matter.

/s/ Jennifer M. McLemore

Jennifer M. McLemore